

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

2 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Mahesh A. Patel
Yogini Patel**

Case No.:

21-14906

Judge:

John K. Sherwood

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Modified/Notice Required

Date:

August 4, 2021

☐ Motions Included

☒ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney BSM Initial Debtor: MAP Initial Co-Debtor Y P

Part 1: Payment and Length of Plan

a. The debtors shall pay **966.67 Monthly** to the Chapter 13 Trustee, starting on **September 1, 2021**** for **58** months. **The Debtors made their first trustee payment of \$1,239.43 beginning July 1, 2021 and will make a \$20,000 payment for the August 1, 2021 payment.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
None		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

- ☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the

allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor

American Honda Finance Corp.
Mercedes-Benz Financial Services
Quicken Loans LLC

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☒ Not less than \$69,566.00 to be distributed *pro rata*
- ☐ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
American Honda Finance Corp.	0.00	2019 Honda Civic Monthly payments: \$260.00	NO Arrearage	0.00
Mercedes-Benz Financial Services	0.00	2018 Mercedes GLC 300 Monthly payments: \$608.71	NO Arrearage	0.00

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.
Date of Plan being modified: 6-21-21.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
To provide for a higher payment to unsecured creditors based on the equity in real estate.	Part 1a.--the monthly amount was changed to provide for a higher payment to unsecured creditors based on the equity in real estate and the plan length was increased to 60 months. Part 5a. was changed to reflect that a minimum of \$69,566 will be paid to unsecured creditors.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: August 4, 2021

/s/ Mahesh A. Patel

Mahesh A. Patel
Debtor

Date: August 4, 2021

/s/ Yogini Patel

Yogini Patel
Joint Debtor

Date: August 4, 2021

/s/ Barry S. Miller

Barry S. Miller
Attorney for the Debtor(s)

In re:
Mahesh A. Patel
Yogini Patel
Debtors

Case No. 21-14906-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Aug 05, 2021

User: admin
Form ID: pdf901

Page 1 of 3
Total Noticed: 42

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 07, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Mahesh A. Patel, Yogini Patel, 35 Florham Road, Parsippany, NJ 07054-3021
519237359	++ AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088 address filed with court:, American Honda Finance Corp., 201 Little Falls Drive, Wilmington, DE 19808
519237358	+ American Express, POB 297871, Fort Lauderdale, FL 33329-7871
519237357	+ American Express, c/o Zwicker & Associates, 1020 Laurel Oak Rd Suite 303, Voorhees, NJ 08043-3518
519257732	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
519242045	+ American Express National Bank, AENB, c/o Zwicker and Associates, P.C., Attorneys/Agents for Creditor, P.O. Box 9043, Andover, MA 01810-0943
519256100	+ Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
519237360	+ Bank of America, N.A., c/o Rubin & Rothman, LLC, 1787 Veterans Highway, Suite 32, POB 9003, Islandia, NY 11749-9003
519237362	+ Capital One Bank USA NA, c/o Lyons Doughty & Veldhuis, PC, 136 Gaither Drive, Suite 100, Mount Laurel, NJ 08054-1725
519237367	+ Citibank NA, c/o Rubin & Rothman, LLC, 1787 Veterans Highway, Suite 32, POB 9003, Islandia, NY 11749-9003
519237366	+ Citibank c/o United Collection Bureau, 5620 Southwyck Blvd Suite 206, Toledo, OH 43614-1501
519237369	Discover Financial Services, c/o Pressler Felt & Warshaw LLP, t Entin Road, Parsippany, NJ 07054-9944
519237370	+ Gem Recovery Systems, 800 Kinderkamack Rd, Oradell, NJ 07649-1534
519237372	+ JPMCB Card Services c/o Rubin & Rothman, 1787 Veterans Memorial Highway, Islandia, NY 11749-1500
519265917	+ JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
519249873	Mercedes-Benz Financial Services USA LLC, c/o BK Servicing, LLC, PO Box 131265, Roseville, MN 55113-0011
519237376	Quicken Loans LLC, POB 6577, Carol Stream, IL 60197-6577
519256066	+ Quicken Loans, LLC, 635 Woodward Avenue, Detroit MI 48226-3408
519237377	+ Radius Global Solution, 7831 Glenroy Rd Suite 250, Minneapolis, MN 55439-3117
519237378	+ Remex Inc., 307 Wall St, Princeton, NJ 08540-1515
519242174	+ Summit Medical Group, PO BOX 5026, Syracuse, NY 13220-5026

TOTAL: 21

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Aug 05 2021 20:46:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	Aug 05 2021 20:46:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
519247021	Email/Text: ebnbankruptcy@ahm.honda.com	Aug 05 2021 20:46:00	American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088, Irving, TX 75016-8088
519237361	Email/Text: bknotice@ercbpo.com	Aug 05 2021 20:46:00	Barclays Bank Delaware c/o ERC, POB 23870, Jacksonville, FL 32241-3870
519237364	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 05 2021 20:49:13	CITI, PO Box 6190, Sioux Falls, SD 57117-6190
519249667	+ Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Aug 05 2021 20:49:13	Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

District/off: 0312-2

User: admin

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Date Rcvd: Aug 05, 2021

Form ID: pdf901

Total Noticed: 42

519237363	+ Email/Text: bankruptcy@cavps.com	Aug 05 2021 20:46:00	Cavalry Portfolio Services, 500 Summit Lake Drive, Valhalla, NY 10595-2322
519268188	+ Email/Text: bankruptcy@cavps.com	Aug 05 2021 20:46:00	Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
519237365	Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 05 2021 20:49:13	Citibank, POB 6241, Sioux Falls, SD 57117-6241
519237368	Email/Text: mrdiscen@discover.com	Aug 05 2021 20:45:00	Discover Financial Services, POB 15316, Wilmington, DE 19850
519241571	Email/Text: mrdiscen@discover.com	Aug 05 2021 20:45:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
519237371	Email/PDF: ais.chase.ebn@americaninfosource.com	Aug 05 2021 20:49:10	JPMCB Card Services, PO BOX 15369, Wilmington, DE 19850
519267765	Email/PDF: resurgentbknofications@resurgent.com	Aug 05 2021 20:48:57	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
519237373	Email/Text: M74banko@daimler.com	Aug 05 2021 20:46:00	Mercedes-Benz Financial Services, 13650 Heritage Valley Parkway, Fort Worth, TX 76177
519237374	+ Email/Text: bankruptcydpt@mcmcg.com	Aug 05 2021 20:46:00	Midland Credit Management, 350 Camino De La Reina, Suite 100, San Diego, CA 92108-3007
519262290	+ Email/Text: bankruptcydpt@mcmcg.com	Aug 05 2021 20:46:00	Midland Credit Management, Inc., PO BOX 2037, Warren MI 48090-2037
519237375	+ Email/Text: bankruptcy@certifiedcollection.com	Aug 05 2021 20:46:00	Morristown Medical Center, c/o Certified Credit & Collection, POB 1750, Whitehouse Station, NJ 08889-1750
519237379	+ Email/Text: bankruptcy@savit.com	Aug 05 2021 20:46:00	SA-VIT Collection Agency, 46C W Ferris St, East Brunswick, NJ 08816-2159
519237380	+ Email/PDF: clerical@simmassociates.com	Aug 05 2021 20:49:11	Simm Associates Inc., 800 Pencader Drive, Newark, DE 19702-3354
519237381	+ Email/Text: clientservices@simonsagency.com	Aug 05 2021 20:46:00	Simons Agency Inc., 4963 Wintersweet Drive, Liverpool, NY 13088-2176
519237382	Email/Text: edinkel@vikingservice.com	Aug 05 2021 20:46:00	Viking Client Services LLC, POB 59207, Minneapolis, MN 55459-0207

TOTAL: 21

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr	*	Mercedes-Benz Financial Services USA LLC, c/o BK Servicing, LLC, PO Box 131265, Roseville, MN 55113-0011

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 07, 2021

Signature: /s/Joseph Speetjens

District/off: 0312-2

User: admin

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Date Rcvd: Aug 05, 2021

Form ID: pdf901

Total Noticed: 42

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 5, 2021 at the address(es) listed below:

Name	Email Address
Barry Scott Miller	on behalf of Joint Debtor Yogini Patel bmiller@barrysmilleresq.com
Barry Scott Miller	on behalf of Debtor Mahesh A. Patel bmiller@barrysmilleresq.com
Denise E. Carlon	on behalf of Creditor Quicken Loans LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg	magecf@magtrustee.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5